IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION Nos : 316, 461 and 182 of 2005

Writ Petition No. 316 of 2005

Between:

A. Soudamani, W/o. L.K. Sudheendranath,
14/432, Kamalanagar, Anantapur.

..... PETITIONER

AND

1 The Registrar General, High Court of Andhra Pradesh, Hyderabad.
2 Government of Andhra Pradesh, Law (LA& JSCF) Department Secretariat, Hyderabad, Rep by its Secretary .
3 Director of Prosecution, DGP Office Complex, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction of mandamus or any other appropriate writ or direction declaring the action of the respondents 1 and 2 in not considering the application of the petitioner for the post of District and Sessions Judge Grade II as illegal arbitrary and violative of Article 16 of the constitution of India and consequently direct the respondent to consider the case of the petitioner for appointment to the post of District and Sessions Judge Grade II and pass such other or further orders

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondent No.1: Mr. C.V. Nagarjuna Reddy

Counsel for the Respondent No.2: GP FOR LAW & LEGISLATIVE AFFAIRS

Counsel for the Respondent No.3: G.P. for Home

WRIT PETITION NO : 461 of 2005

Between:

1 K.Ajay S/o.K.Dharmaiah
VI MM Court, Red Hills,
Nampally, Hyderabad.
2 G.S.V.Prasad Rao S/o.Sree Ramachandra Murhty
Sangareddy, Medak Dist.

..... PETITIONER(S)

AND

1 The High Court of Andhra Pradesh rep by its Registrar (General)
High Court of A.P., Hyderabad.
2 The Govt. of Andhra Pradesh rep by its Chief Secretary
Secretariat, Hyderabad.
3 Director of Prosecutions of A.P., D.G.P's Office Complex,
Saifabad, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not issuing the Hall Tickets to the petitioners for appearing in the written examination for the post of Dist Judges Grade II Scheduled to be held on 30-01-2005 thereby depriving their valuable rights to be considered for selection to the post of Dist judges Grade II as arbitrary and illegal and pass such other order or orders.

Counsel for the Petitioners:MR.M.RAVINDRANATH REDDY

Counsel for the Respondent No.1: Mr. C.V. Nagarjuna Reddy

Counsel for the Respondent No.2: GP FOR LAW & LEGISLATIVE AFFAIRS

Counsel for the Respondent No.3: G.P. for Home

AND

WRIT PETITION NO : 182 of 2005

Between:

1 S.R.A.Rosedar S/o.S.G.S.Rosedar
Special Mobile Court, (Protection of Civil Rights)Nellore Dist.
2 Smt.I.Neeraja Reddy W/o.Rama Krishna Reddy
Court of Special Magistrate (Excise cases,)
Nellore Dist.
3 Kum.M.Padmaja D/o.M.Malakondaiah
Court of Judicial 1st Class Magistrate, Podili,Prakasam Dist.

..... PETITIONER(S)

AND

1 The High court of A.P., Rep by its Registrar (General),
Hyderabad.
2 The Govt. of Andhra Pradesh rep by its Chief Secretary,
Secretariat, Hyderabad.
3 Director of Prosecutions of A.P., D.G.P's Office Complex,
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not issuing the Hall Tickets to the petitioners for appearing in the written examination for the post of District Judges Grade II scheduled to be held on 30-01-2005 thereby depriving their valuable rights to be considered for selection to the post of District judges Grade II as arbitrary and illegal and pass such other order or orders.

Counsel for the Petitioners:MR.M.RAVINDRANATH REDDY

Counsel for the Respondent No.1: Mr. C.V. Nagarjuna Reddy

Counsel for the Respondent No.2: GP FOR LAW & LEGISLATIVE AFFAIRS

Counsel for the Respondent No.3: G.P. for Home

The Court made the following Common Order: (per Sri Devinder Gupta, CJ)

The Director of Prosecutions, on 11.6.2004, sent thirteen (13) applications with

enclosures and Service Certificates of the Prosecuting Officers, being applicants for the post of District and Sessions Judge, Grade II. These applications were sent with the covering letter to the Chief Secretary to Government, General Administration (SC.F) Department, Andhra Pradesh, Hyderabad. In normal course, these applications were having been submitted in time would have been duly entertained, scrutinized and applicants will have received the roll numbers for the written examination scheduled to be held on 30.1.2005. When Roll Numbers were not received, these three writ petitions were filed by the petitioners alleging that though applications were submitted in time, they have not been forwarded to the High Court by the 2nd respondent. Accordingly, we had asked the learned Government Pleader to have instructions in the matter.

On instructions, leaned Government Pleader states that applications received were forwarded to the General Administration Department, SC.F Department and they appeared to have been misplaced somewhere, which alone, appears to be the reason for not forwarding those applications to the High Court.

Since applications were submitted through proper channel and are now stated to be missing, the petitioners cannot be allowed to suffer for that. Considering the facts and circumstances of the case, we allow the writ petitions and direct that the thirteen (13) applicants, whose applications were received by Respondent No.2, in case, would submit copies of their applications with the Registrar (General) of this Court on or before 27.1.2005, the same will be duly entertained by the Registrar (General) as if validly received and on that basis, the candidates will be assigned their requisite Roll Numbers with examination center for the examination to be held on 30.1.2005 at Hyderabad.

The Registrar (General) will ensure that the candidates are handed over the Roll Numbers in the Registry itself instead of sending their Roll Numbers through the respective District Judges and will also ensure that one set of the copies of applications are duly endorsed and sent to the 2nd respondent for being formally forwarded to the High Court. Such of the applicants who will submit their applications may be permitted to appear in the examination as if their applications have been validly forwarded and accepted.

The writ petitions are accordingly disposed of. No costs.

_____ DEVINDER GUPTA, CJ

Date: 25th January, 2005

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M. NARAYANA REDDY,J

pnb

To

1 The Registrar General, High Court of Andhra Pradesh, Hyderabad.
2 The Secretary, Government of Andhra Pradesh, Law (LA& JSCF)

Department, Secretariat, Hyderabad, .
3 The Director of Prosecution, DGP Office Complex, Hyderabad.

4 Two Ccs. to the G.P. for Law & Legislative Affairs, High Court Buildings,

Hyderabad. (OUT)

5 Two C.D. copies